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ASEC, KMCA, CB

SUBJECT: 2010 TRAFFICKING IN PERSONS REPORT FOR CAMBODIA

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SENSITIVE BUT UNCLASSIFIED. DELIBERATIVE MATERIAL.

11. (U) The following is Embassy Phnom Penh's 2010 Trafficking in Persons Report for Cambodia, covering the period April 2009 - March 2010. Responses follow the questions outlined in Ref B. The entire report is Sensitive But Unclassified (SBU).

12. (SBU) CAMBODIA'S TIP SITUATION

1A. Sources of Information on Human Trafficking

There are no firm estimates or reliable numbers available as to the extent or magnitude of the trafficking problem. Two surveys have attempted to measure the commercial sex industry in the country: a 1997 report by the National Assembly Commission on Human Rights and a 2003 study by a former Fulbright researcher, Thomas Steinfatt. The 1997 Commission on Human Rights report included a country-wide survey of brothels; it estimated 14,725 brothel workers in Cambodia of which 81 percent were Cambodian and 18 percent Vietnamese. The study did not attempt to differentiate between voluntary sex workers and trafficking victims.

Steinfatt's 2003 study on the number of prostitutes and sex trafficking victims in Cambodia estimated 18,256 sex workers, of which 65.6 percent were Cambodian and 32.8 percent Vietnamese. The Steinfatt study estimated 2,000 sex trafficking victims in Cambodia, of which 80.4 percent were ethnic Vietnamese. Although Steinfatt's trafficking estimates have been disputed, no separate data exists that reliably quantifies sex trafficking victims.

Limited trafficking statistics are available from Royal Government of Cambodia (RGC) authorities involved in the repatriation of Cambodians from neighboring countries, such as the Ministry of Interior's Immigration Department and MOSAVY. Cambodian authorities, in cooperation with international organizations such as UNICEF and IOM, try to distinguish between illegal migrants and trafficking victims, particularly children, and maintain some statistical information. Within Cambodia, some NGOs that provide services to victims referred by police, judicial, and social service officials also maintain limited statistical information based on their respective operations.

Cambodia's National Committee on the Suppression of Human Trafficking, Smuggling, and Labor and Sexual Exploitation collected data from 14 government ministries, including from police institutions, for its annual report on RGC anti-trafficking efforts.

II.B. Patterns of Human Trafficking

Cambodia is a source, destination, and transit country for trafficking in persons, including men, women and children. Some observers reported that a majority of Cambodian trafficking victims are trafficked for labor purposes, due to Cambodia's relative poverty and poor economic conditions compared with its immediate neighbors; Cambodian women and children are also trafficked for sexual exploitation. Cambodians are trafficked primarily within the region, particularly to Thailand and Malaysia. Trafficking also occurs within Cambodia's borders, from rural areas to Phnom Penh and other population centers.

Cambodian trafficking victims are recruited from or migrate from all provinces in the country, generally from rural areas to population centers, or from border provinces into neighboring countries. Debt bondage is often a factor in the recruitment of Cambodian trafficking victims, who initially believe they are accepting legitimate restaurant, factory, or other work opportunities in Phnom Penh, other cities, or overseas, but who are then forced to work in exploitative conditions. Foreign victims found in Cambodia generally came from Vietnam. Many ethnic Vietnamese sex workers in voluntary sex work were originally trafficked to Cambodia through debt bondage; some sex workers are still in debt bondage.

Within Cambodia, from April 1, 2009 through February 10, 2010, the
PHNOM PENH 00000138 002 OF 019

National Committee reported that the Ministry of Interior (MOI) made 101 arrests in human trafficking cases involving more than 200 victims, of which 56 were cases of sex trafficking and 45 of labor trafficking. In the same period, the National Committee reported that police referred 408 victims of sex trafficking to MOSAVY, which made subsequent referrals for aftercare to various NGOs.

Thailand is the major destination country for migrant Cambodian workers, but there are no reliable numbers on how many are trafficking victims. In 2009, the Asian Development Bank estimated that 240,000 Cambodians migrated to Thailand for work, most without legal permits. Cambodian men are trafficked to work in the Thai fishing, construction and agricultural industries; women and young girls are trafficked for factory and domestic work, and are also subject to sexual exploitation in the Thai commercial sex industry.

According to UN Inter-Agency Project against Human Trafficking (UNIAP), on average Thai authorities deport approximately 36,500 individuals each year. However, the number of trafficking victims among these deportees is unknown because Cambodian authorities lack the resources to interview all the deportees. An August 2009 survey of 400 Cambodian deportees from Thailand found 92 who experienced some form of exploitation and cheating by their employers; thirty-one of those were held involuntarily and forced to work. During the reporting period, MOSAVY reported receiving two victims of sex trafficking and 81 victims of labor trafficking returned from Thailand.

Malaysia is a common destination for Cambodian migrant workers, particularly women and girls looking for work as domestic servants. UNIAP estimated that since 1998, nearly 20,000 Cambodians have migrated to Malaysia through 25 licensed recruitment agencies in Cambodia. Furthermore, there are incidents of Cambodian men and women, who cannot afford the fees charged by recruiting companies to migrate legally, migrating illegally to Malaysia via Thailand, and thus being more vulnerable to trafficking and exploitation. The number of these workers, both legal and illegal, who become trafficking victims is not known. From April to December 2009, MOSAVY received four trafficking victims from Malaysia who were trafficked to work on Thai fishing boats.

Vietnam is also a popular destination country for labor migrants, some of whom become trafficking victims. The total number of victims is not known, although MOSAVY reported receiving 898 returnees from Vietnam, 143 of whom authorities identified by survey questionnaires as likely victims of labor trafficking.

Additional destination countries reported in the past include South Korea, Taiwan, and Hong Kong, although the numbers of victims are far fewer.

Neither the RGC nor NGOs reported changes in the patterns of trafficking, such as routes or destinations, since the 2009 TIP Report.

IC. Conditions Faced by Victims

The lack of statistical data impedes attempts to characterize changes in the trafficking climate from one year to the next. As long as the economies of Cambodia's neighbors continue to expand, Cambodian labor remains cheap and jobs inside the country are scarce, Cambodians will continue to migrate out for labor purposes.

Conditions on Thai fishing boats have received greater attention from the RGC and NGOs. While the boats are Thai-flagged and Thai-owned, they venture into international waters. Men who flee the boats have been found in Malaysia and Indonesia. On January 21, five Cambodian men jumped overboard from such a boat and were rescued by fishermen from East Timor. Cambodian victims in 2008 and 2009 reported being deceived about their expected length of service, how much they would be paid, and how that payment would be made. They also reported being forced to labor on the boats for days without rest, and complained of lack of food and water, lack of medical care, and harsh beatings by boat captains. IOM reported that a number of international and local NGOs repatriate such victims unofficially, so the total number of victims returning to Cambodia is not known. IOM assisted the RGC in officially repatriating 35 such victims in 2008, but the five in East Timor are the only during this reporting period. The number of repatriated victims is believed to be only a fraction of the total number of

PHNOM PENH 00000138 003 OF 019

Cambodian men trafficked onto fishing boats.

Conditions for Cambodians migrating to Malaysia as domestic servants have become a focus for the RGC. Women who returned from such jobs and sought assistance reported ending up in forced and abusive labor conditions after migrating to Malaysia as domestic workers with the assistance of legal labor migration companies. The RGC has licensed 25 such labor export companies; however, there is inadequate monitoring of migration and work conditions, and a lack of protection for domestic workers in Malaysia. The governments of Cambodia and Malaysia are negotiating a memorandum of understanding on combating human trafficking and the protection of Cambodians working in domestic positions in Malaysia. Cambodia's Ministry of Women's Affairs (MOWA) is leading the MOU process, and has advocated establishing a follow-up mechanism to ensure the well-being of domestic workers after arrival in Malaysia.

ID. Vulnerability to TIP

Due to poverty, lack of jobs, family problems and unequal access to educational opportunities, women and children, especially those in rural areas where 80 percent of the population resides, are most vulnerable to trafficking. Such persons are particularly susceptible to the lure of employment, often via the intercession of relatives, friends, neighbors, community members, or unknown persons, to pay off personal or family debts incurred due to factors such as drought or the serious illness of a family member.

There are no studies that suggest minority groups are more susceptible to trafficking. Some provinces, by virtue of their proximity to neighboring Thailand or Vietnam, are source areas for migration to those countries, and thus trafficking victims. In a 2004 survey, PACT-Cambodia found a correlation between residential origins of trafficking victims and communities along major highways.

An IOM study in August 2007 identified a high prevalence of trafficking among commercially sexually exploited women and girls in Siem Reap, Koh Kong and Sihanoukville provinces. The study showed that groups that those persistently vulnerable to trafficking include: women and girls who have severed relations with their family households, often due to physical and sexual abuse; women and girls who previously worked as child domestic workers; and ethnic Vietnamese women and girls who became domestic trafficking victims through recruitment or coercion into the virginity trade.

Children are not prevented from crossing the Thai border with strangers or alone, and Cambodians can cross the border without the need to show identification. Poipet/Aranyaprathet is the primary Cambodia-Thai border post for transit. Children from Banteay Meanchey and Battambang provinces in Cambodia's northwestern region continue to be trafficked to Thailand to beg, sell candy or flowers, and shine shoes. Nearly all children repatriated from Thailand at the Poipet border crossing receive special screening, and trafficking victims are routed through the Poipet Transit Center, which is staffed by MOSAVY personnel with support from UNICEF. According to UNICEF, there were seven official repatriations involving 53 children in 2009; less formal deportations of a further 1,416 persons included 64 unaccompanied children identified by the Mobile Border Team.

Children trafficked for begging in Vietnam are taken across the border by Cambodian facilitators three to four at a time. A single trafficker may coordinate several facilitators, and border controls are minimal. Cambodian traffickers personally supervise the children in Vietnam, and reportedly have few problems with police raids. A 2007 IOM report stated that some Cambodian children migrate together with parents or relatives who migrate seasonally as whole families, or one or two children with parents, to beg in Vietnam. In 2009, MOSAVY reported receiving 898 returnees from Vietnam, of whom 143 were identified as trafficking victims through a questionnaire; all 143 were minors.

On December 3, 2009, the RGC promulgated a new adoption law designed to bring Cambodia into compliance with the Hague Convention on Inter-Country Adoption and address concerns surrounding trafficking of infants for foreign adoption. A moratorium since 2001 on international adoption by some countries, including the United States, has largely curbed reports of adoption trafficking, though countries still processing adoptions in Cambodia continue to report substantial fraud and irregularities in the small number of cases processed since then. The RGC is working with international

PHNOM PENH 00000138 004 OF 019

organizations and other donors to establish transparent, ethical, Hague-compliant adoption processes. As part of this effort, on January 19, 2010, the RGC suspended processing of all new adoptions until March 2011.

E. Traffickers and Their Methods

Traffickers are sometimes parents who sell their child into debt bondage to serve as domestic help for other families, or into brothels. In several cases during the reporting period, police arrested immediate family members of victims, such as parents, aunts or uncles, siblings, or grandparents. Due to poverty, lack of jobs, family problems and unequal access to educational opportunities, families may give their child to other relatives, who subsequently traffic the children unbeknownst to the parents. Traffickers may also be more distant relatives or acquaintances who promise work in Phnom Penh or secondary cities. In some cases, boyfriends, husbands or fathers take women or underage girls and sell them to a brothel. A 2007 IOM study of trafficking recruitment and facilitating networks found a system that is evolving in order to evade counter-trafficking efforts by communities, local authorities, and NGOs.

Research conducted by Friends International and UNIAP in 2007 on child begging in Thailand found that the majority of Cambodian child beggars traveled to Bangkok with their mothers or other family

members and that most beggars had a degree of control over their day-to-day lives. In contrast to previous assumptions, the research found that the majority of Cambodian child beggars in Bangkok did not experience abusive practices or trafficking; the concerns are more related to those of vulnerable migrants rather than trafficking. However, the research found also that almost 20 percent of children questioned came with a facilitator or non-blood relative; while most of the children who came with their mother said they were happy with the situation, half of those who came with a facilitator said they were unhappy.

In labor recruiting, most brokers are independent contractors. There are 25 licensed labor recruiting firms in Cambodia, but these represent a small portion of the total number of brokers and agents operating throughout the country. Some observers have reported that individual recruiters mislead rural and urban victims, claiming to work with labor agencies or claiming to have connections to good jobs in cities or in other countries (usually Thailand or Malaysia).

In April 2009, the RGC instituted a new process for foreigners seeking to marry Cambodian citizens. The new process reflects efforts of the RGC to prevent human trafficking to other countries through sham marriages, though some believe the new procedures were weakly enforced. The MFA reviews documents in the application process, and the prospective couples must be interviewed by officers of the Anti-Human Trafficking and Juvenile Protection Department of the Cambodian National Police before MOI will authorize the marriage.

The Svay Pak brothel area continues in operation, despite numerous attempts by anti-TIP police to close it down. Underage girls are available in Svay Pak establishments upon demand, but generally do not stay on site. Current trends show that underage girls from Svay Pak are delivered to various brothels and establishments during the evening, or are available on order. A trafficker convicted in December 2009 operated a business from Svay Pak, brokering deals with pedophiles and then delivering victims to the perpetrators' hotel rooms. IJM reported continued difficulty in raids of the area, due to attempts to hide the crime and the nearly impenetrable layout of the area which allows traffickers to escape quickly.

Vietnamese women and children, many in debt bondage, were trafficked from Kieng Yang, Can Tho, Dong Thap and other provinces in Vietnam to Cambodia for commercial sex work. Information from AFESIP, CWCC, and UNICEF indicates that Vietnamese women and girls also are trafficked through Cambodia by organized Vietnamese criminal gangs to onward destinations in Thailand and Malaysia.

Cambodians are often brought through porous borders with Thailand or Vietnam without documentation. Some women are reportedly trafficked by boat from the Cambodian province of Koh Kong to Thailand to enter the sex trade. Women are reportedly trafficked to Malaysia with valid Cambodian passports, with allegations of complicity on the part of Thai and Malay border and immigration officials. RGC attempts to persuade Malaysia to grant legal rights to foreign

PHNOM PENH 00000138 005 OF 019

domestic workers have been unsuccessful, although the Ministry of Women's Affairs continues discussions on this issue. Some NGOs claim that trafficking networks run by Vietnamese, Thai and Chinese-Malay criminals traffic drugs, guns, women and children to Thailand and Malaysia. A UNIAP representative reported that although trafficking networks were likely involved in some cases, small brokers were responsible for most trafficking cases.

13. (SBU) SETTING THE SCENE FOR THE RGC'S ANTI-TIP EFFORTS

1A. Acknowledgement of TIP

The RGC openly acknowledges that trafficking is a serious problem in Cambodia. The Prime Minister has called for more extensive RGC efforts to combat the problem and Deputy Prime Minister (DPM) and Minister of Interior Sar Kheng repeatedly reiterated in 2009 the RGC commitment to combating trafficking.

On September 25, 2009, the Prime Minister signed the sub-decree establishing a new National Committee on the Suppression of Human Trafficking, Smuggling, and Labor and Sexual Exploitation. The National Committee merged the former National Task Force with the High-Level Working Group to form a single body designed to facilitate better communication and coordination among relevant government ministries and agencies, and civil society partners. The government formally launched the National Committee on December 9, 2009, chaired by DPM Sar Kheng with wide participation from national committee members, members of the provincial committees, civil society partners and international organizations. A National Committee Secretariat, which leads the day-to-day coordination work of the government's anti-TIP efforts, has six working groups with interministerial membership. Each group also has a permanent vice-chair for an NGO representative, to ensure inclusion and dialogue between the RGC and NGO community.

Each province has a provincial committee (PC), a local governmental committee that coordinates anti-trafficking efforts and reports to the National Committee. The PCs developed provincial action plans to monitor entertainment and other establishments for TIP cases, report such suspected cases to local police, supervise protection efforts within the province, and direct public awareness and other prevention activities. The PCs of Siem Reap and Svay Rieng Provinces have served as models; they developed structured, realistic action plans partly based on input from the 2008 provincial dialogues and aligned with Cambodia's National Plan of Action for 2010. Among the results achieved was a public awareness campaign presented to university students, featuring a documentary film about anti-trafficking and a local official from the Department of Social Affairs who hosted a question-and-answer session following the film.

1B. Lead Agencies and Interagency Cooperation

The National Committee on the Suppression of Human Trafficking, Smuggling, and Labor and Sexual Exploitation leads anti-trafficking efforts in Cambodia, under the direction of DPM Sar Kheng. Four vice-chairs of the National Committee are the Ministers of Justice, Social Affairs, Labor, and Women's Affairs. The remaining 13 members are the Ministers of Tourism, Health, and Education; the Commissioner General of the National Police; the Commander of the Military Police; and secretaries of state from the ministries of Interior, Defense, Foreign Affairs, Information, Economy and Finance, Culture, and Post and Telecommunications. USAID provides technical assistance to the National Committee.

1C. Limitations and Challenges Faced by the RGC

The RGC has made great strides to coordinate anti-trafficking activities internally and with international partners, but its ability to combat trafficking effectively remains limited. The lack of resources is acute; training and funding for law enforcement and courts are wholly inadequate, and the overall level of human resources -- trained and competent people -- is still greatly affected by Cambodia's legacy of decades of civil war. For example, there are only 309 prosecutors and judges to staff Cambodia's 24 provincial courts, plus the Appeals and Supreme Courts. Newly sworn in judges and prosecutors represent a better educated and more sophisticated civil service. However, enrollment at the Royal Academy for Judges and Prosecutors is capped due to resource constraints at 55 students per year. More graduates are needed to handle the existing judicial workload, let alone an increased

PHNOM PENH 00000138 006 OF 019

workload generated by more vigorous police action.

There are approximately 50,000 police in the Cambodian National Police force. The average education for most police officers, as for most Cambodians, ends in middle school. While a National Police Academy exists, most police officers, particularly those in provinces distant from Phnom Penh, do not receive training in law enforcement techniques. Funding for specialized training in complex issues such as anti-trafficking is extremely limited. Observers generally perceived evidence collection and its use in court to be a

particular weakness of the Cambodian criminal justice system due to a lack of training, equipment, and funding. If a victim did not testify, police typically had little evidence to use against the perpetrators. The National Committee and Ministry of Justice (MOJ) officials recognized the need for training of court and other RGC officials on the new law. Section 4F details 2009-2010 RGC training programs on TIP.

Law enforcement and court officials also typically lack necessary equipment to handle cases appropriately. There is a severe lack of capital resources such as vehicles, computer and communication equipment, investigative tools such as cameras, and office space where perpetrators and victims could be held separately.

Standardized collection of statistics on trafficking crimes and their disposition by the courts remains a limitation. A 2007 sub-decree described the need for courts to provide case information to the Ministry of Justice, and an April 2009 letter to all provincial and municipal courts from MOJ requested standardization of statistics reporting. The letter included a sample statistical table used by the Phnom Pehn Municipal Court and provided detailed instructions on completing the table. Nonetheless, most courts lack sufficient human resources to report statistics in a timely fashion.

Reports are hand-written and not stored in a centralized location at each court. Computer support is nonexistent. MOJ official travel to provincial courts in order to obtain statistics is limited by funding.

Under the French-based civil code system, police and court officials investigate TIP cases separately, and the relationship between police and investigating court officials was largely limited to cases in which police requested search and arrest warrants. Although coordination efforts improved in 2009, prosecutors and judges only occasionally called on police for clarification, follow up information, or to testify during trials.

Impunity, endemic corruption, and related rent-seeking behavior continue to impede progress in combating trafficking in persons. Donor countries have continued to press the RGC on anti-corruption efforts generally, and to pass an anti-corruption law consistent with international standards. At year's end the Council of Ministers approved a draft Anti-Corruption Law and transmitted it to the National Assembly, which is expected to debate the legislation beginning April 2010.

The Supreme Council of Magistracy (SCM) has the power to remove judges, but has done so only rarely. The SCM also lacks the investigative resources to respond to allegations of corruption.

There are approximately 1,250 social workers nationwide, serving a population of 14 million that is widely believed to suffer high levels of post-traumatic stress disorders stemming from decades of civil war. According to NGOs, there are very few accredited psychiatrists, psychologists, or other trained mental health professionals.

RGC resources for victim assistance must be augmented by assistance from international organizations and foreign and domestic NGOs. The RGC has difficulty in defining issues of temporary guardianship pertaining to victims and witnesses taken from brothels, and the legal authority of NGOs to take temporary guardianship of children is unclear.

IV. RGC Monitoring of Anti-Trafficking Efforts

Under the National Committee structure, 14 participating ministries provide data on their anti-trafficking activities to the Secretariat of the National Committee on a quarterly basis. MOSAVY has a database to keep track of victims officially repatriated under RGC agreements. MOI has a database to track police intelligence, investigations, and arrests of sex crime offenders. The National Committee Secretariat provides the data it collects, and individual

The most persistent challenge has been the institutional and resources limitations that hinder MOJ from collecting accurate and complete statistics from the court system. To remedy shortcomings in the collection, analysis and reporting of TIP-related prosecution data, MOJ has requested technical assistance with short- and long-term efforts to build a new reporting structure, train judiciary officials on that structure, and develop data collection systems to capture and analyze trafficking prosecution data. MOJ created a new paper-based data collection system, and is collaborating with a USAID implementing partner to develop a computer database to match.

E. Establishing the Identity of Local Populations

The MOI administered a modernized birth registration system, but not all births were registered immediately, due principally to parent delays. In addition, children born from the mid-1970s to mid-1990s were often not registered under any system as a result of the Khmer Rouge regime, Vietnam occupation, and persistent civil conflict during those decades. Many of these unregistered persons who later had families of their own did not perceive a need for registration. It was common for young people not to be registered until a need arose.

F. RGC Data Gathering Capability

As stated above, the RGC is not capable of gathering the data required for an in-depth assessment of law enforcement efforts, although the structures are now in place to do so, through the National Committee and its Secretariat. The principle challenges to gathering such data are lack of equipment and lack of human resources - both in training existing staff and hiring additional staff to address the workload. Additional time and funding is needed to sustain and improve RGC efforts.

4. (SBU) INVESTIGATION AND PROSECUTION OF TRAFFICKERS

A. Existing Laws against TIP

In February 2008, the RGC promulgated the Law on the Suppression of Human Trafficking and Sexual Exploitation (hereafter the 2008 TIP Law). The law criminalizes all forms of trafficking, including trafficking through debt bondage, and covers both internal and transnational forms of trafficking. Chapters Seven and Eight provide civil penalties such as asset forfeiture by perpetrators, and nullifies any contracts made in the process of a trafficking offense, including loan contracts that would be considered illegal debt. In October 2009, the National Assembly passed a new Penal Code that includes the same language from the 2008 TIP Law in its articles. The Penal Code came into partial effect in December 2009 and will come into full effect in December 2010.

Previously, police and court officials charged child sex exploitation perpetrators with debauchery under a general 1996 law. The 2008 TIP Law contains articles to prosecute for child prostitution, sexual acts with a minor, and indecent acts with a minor, as well as containing more specific definitions of other TIP crimes. The 2008 TIP Law made it easier to separate true TIP crimes from trafficking-related crimes, but also presented challenges to police and judicial officials in proving the more specific charges in the law.

RGC officials, especially those in the National Committee, understood the need for training on the new law. Training efforts during the reporting period are described in Section 4F. MOJ officials are drafting Explanatory Notes on the 2008 TIP Law to be distributed to judges, prosecutors, and other RGC officials in late 2010; a legal advisor to assist MOJ with this effort was funded by UNICEF. One goal of the Explanatory Notes is to provide clarity on which articles of the 2008 TIP Law are trafficking crimes.

Other relevant laws under which traffickers could be prosecuted include the 1997 Labor Law, which prohibits debt labor, slavery, and the labor of minors. The Labor Law makes child labor (by those under age 15) illegal, but allows children aged 12-15 to engage in light work provided the work is not hazardous to the child's health or mental and physical development. The work must also not affect

regular school attendance or participation in guidance programs or vocational training. However, confusion regarding the issue of

PHNOM PENH 00000138 008 OF 019

parental consent and the lack of specific penalties for child labor have prevented successful prosecutions of child labor violations in Cambodia. Articles 363 and 368 of the Labor Law set monetary penalties for violating child labor provisions at 31 to 60 times the basic monthly wage.

Articles 172-181 of the Labor Law generally proscribe certain forms of hazardous child labor. Persons 15-18 years old may only work in non-hazardous occupations. Responsibility for determining whether jobs are either "light" or "hazardous" rests with the Labor Advisory Committee (LAC). The Labor Law also prohibits the hiring of someone to pay off debt.

There are six declarations, signed by the Ministry of Labor and Vocational Training (MOLVT) in 2007 and 2008, that govern child labor conditions in Cambodia. One of these defines hazardous child labor as work that is detrimental to the health and physical development of children. The declaration includes a determination of the types of light work, limits the working hours of children ages 12 to 14 to no more than four hours on school days and seven hours on non-school days, and forbids them to work between the hours of 8:00 p.m. and 6:00 a.m. The other five declarations on child labor conditions include: (1) working and living conditions in plantations, (2) working conditions in the garment and foot wear sectors, (3) working conditions in the fishing industry, (4) working and living conditions in brick-making enterprises, and (5) working and living conditions in the salt production industry.

1B. Punishment of Sex Trafficking Offenses

Penalties under the 2008 TIP Law are comprehensive and vary according to crimes and their severity. According to Article 15, trafficking people for sexual or other forms of exploitation is punishable by seven to 15 years in prison. In aggravating circumstances, such as when the victim is under the age of 18, the perpetrator is a public official, or the crime is committed by an organized group, the punishment is 15 to 20 years.

Judges typically imposed sentences between the minimum and maximum penalties allowed for crimes, except in aggravated cases where the maximum penalty was usually applied. As permitted in Chapter Eight of the 2008 TIP Law, judges have discretion to add mandatory deportation from Cambodia upon completion of the sentences by foreigners convicted in child sexual exploitation cases.

1C. Punishment of Labor Trafficking Offenses

The 2008 TIP Law provides criminal penalties for the illegal recruitment of a person using force, or fraudulent or deceptive means. Penalties for unlawful movement of a person for the purpose of exploitation, including for forced labor or services, is seven to 15 years. If the victim is under the age of 18, the punishment is 15 to 20 years.

According to Article 368 of the Labor Law, employers who employ children less than 18 years of age for "hazardous work," as defined under Articles 173 to 178 of the Labor Law, are liable to a fine of 31-60 days of the base daily wage. Indentured servitude is punishable by a fine of 61-90 days of the base daily wage. However, there are no cases in which the Labor Law has been used instead of the 2008 TIP Law to prosecute traffickers.

There are 25 labor recruiting companies licensed by the RGC to export Cambodian laborers to countries such as Thailand, Malaysia, and South Korea. There were reports of some workers becoming trafficking victims due to the exploitative conditions in destination countries, especially Thailand and Malaysia, and a lack of monitoring in the source country. The 2008 TIP Law includes criminal punishment for recruiters who knowingly use fraudulent or deceptive practices in order to subject workers to compelled service in a destination country, but there have been no prosecutions of labor recruiting companies in Cambodia for the exploitation of

workers elsewhere. NGO Cambodian Women's Crisis Center (CWCC) assisted the return of trafficking victims from Thailand and Malaysia to Cambodia and reported that when victims file a complaint against labor recruiting companies or employers, CWCC generally obtains compensation for the victim.

1D. Penalties for Grave Crimes

Rape is a criminal offense, and punishable by a five to 10 year prison sentence, according to Article 33 of the UNTAC Law. The new

PHNOM PENH 00000138 009 OF 019

Penal Code Article 239-245, which take full effect in December 2010, contain the same penalties for rape, with additional higher penalties in certain aggravating circumstances. According to the 2008 TIP Law, sex trafficking of minors under the age of 18 is punishable by sentences of between 15 to 20 years in prison; and for persons over the age of 18, the penalty is seven to 15 years in prison.

1E. Law Enforcement Statistics

The MOI Department of Anti-Trafficking and Juvenile Protection reported 101 arrests of human trafficking offenders between April 2009 and mid-February 2010. In addition, there were 20 arrests during the same period on child prostitution charge, which all involved foreign pedophiles.

There are 21 provincial and municipal courts, including Phnom Penh; of these, 18 provided basic data to the MOJ. The 18 courts reported that during the first ten months of the reporting period there were 106 prosecutions, of which there was one acquittal and 16 convictions for confirmed trafficking. [NOTE: There were two convictions for confirmed trafficking in Phnom Penh on March 25, 2009; this information was not available in time for inclusion in 2009 TIP Report, so is included here. END NOTE.] An additional 14 convictions are likely trafficking convictions. The MOJ was not able to provide sufficient information to confirm whether these convictions were based on specific trafficking offenses or on related offenses, but Post is verifying this information directly with court officials. There are 77 ongoing cases. [NOTE: In all 106 cases, the articles related to TIP covered charges of "selling, buying or exchanging a person", "procurement of prostitution" and "unlawful removal with purpose." END NOTE.]

AFESIP reported that in cases involving victims they assisted, police arrested 10 suspects and courts convicted 15 traffickers in 2009, with penalties ranging between two and 18 years in jail, and civil compensation of three million riel in some cases (approximately \$725 USD).

There are no known convictions of labor recruiting firms for labor trafficking offenses. Most labor recruiters are small, independent brokers, not formally employed by licensed labor recruiting companies. Provincial police in Kampong Chhnang arrested one such broker for the unlawful removal of nine victims, ages 12 to 16, with the intent of sending them to work as servants in Malaysia. The broker is in pre-trial detention and the case is with an investigating judge.

Convicted trafficking offenders generally serve the time sentenced. In two cases, perpetrators were convicted and sentenced in absentia; warrants for the arrest of the perpetrators remain active. Judges also began adding mandatory deportation to sentences completed by convicted foreigners. One such foreigner, Belgian pedophile Phillippe Dessart, who had completed his prison sentence in April 2009, was deported in September 2009.

1F. RGC Training for Law Enforcement and Other Officials

The RGC implemented an extensive training initiative to educate police officers and other RGC officials on the enforcement of human trafficking provisions in the 2008 TIP Law. RGC officials held a direct leadership role in most training sessions, contributing to the design of training curricula and delivering the training to participants. Due to limited resources, the RGC sought and received

assistance from NGOs to provide logistical and technical support for the training, such as securing training venues, printing RGC-produced training materials in volume, and assisting with participant expenses. The National Committee requested that donors voluntarily coordinate their activities with the National Committee, in order to direct resources to priority areas identified by the RGC.

The RGC provided significant police training with technical assistance from the Law Enforcement Against Sexual Exploitation of Children (LEASEC) program, a project between the RGC, UNICEF, IOM, World Vision, Save the Children Norway, and the UN Cambodian Office of the High Commissioner for Human Rights. All training conducted with LEASEC technical assistance is delivered by national police trainers from the Training and Anti-Human Trafficking Departments of the Cambodian National Police, who also contribute to curriculum development. In the provinces, national trainers are accompanied by trainers from the provincial Anti-Human Trafficking police. This

PHNOM PENH 00000138 010 OF 019

program delivered quarterly training to 200 Anti-Human Trafficking police officers in 10 provinces; taught 950 district and commune police chiefs and deputy chiefs on legal procedure and skills in the investigation of trafficking and child exploitation cases; trained 1,700 officers of all ranks and departments through the Cambodian Police Academy and its five regional training schools on handling trafficking and exploitation cases; held two national workshops for 50 Anti-Human Trafficking police each, focusing on advanced aspects of the law, investigation techniques, and case studies; and provided medical forensics training in TIP and exploitation cases for 30 Anti-Human Trafficking police officers.

The RGC held a launch ceremony for approximately 100 police officials for the initial screening of a training film on victim identification and treatment during the rescue process. The film, "Saving Seca," is being used as a training aid for police officers across the country.

Cambodian National Police officials provided investigative skills training for trafficking and sexual violence cases to 120 police officers, with technical assistance from TAF through the Southeast Asia Investigations into Social and Humanitarian Activities (SISHA) organization.

The Ministry of Justice (MOJ) conducted a series of training courses for district police, district governors, and provincial government officials on Strategies for Combating Human Trafficking. The six workshops, taught by eight RGC officials and developed in consultation with the UN Inter-Agency Project on Human Trafficking (UNIAP), the International Organization for Migration (IOM), and the International Labor Organization (ILO), were held in Siem Reap, Preah Sihanouk, Koh Kong, Svay Rieng, Banteay Meanchey, and Prey Veng Provinces and focused on the 2008 TIP Law and discussions of prosecution, protection, prevention, and policy. Approximately 50-60 participants attended each workshop.

Judges and prosecutors benefited from a coordinated training plan envisioned by the RGC. The Royal Academy for Judges and Prosecutors (RAJP) is the only training school for attorneys who wish to become judges or prosecutors. RAJP conducts annual continuing-education training for all of Cambodia's 309 sitting judges and prosecutors, as well as the intake program for 55 new judges and prosecutors each year. In both, RAJP developed and delivered a module on interviewing child victims of trafficking and exploitation, with technical assistance from the LEASEC program. Also in both training programs, RAJP designed and delivered a module on understanding and using the 2008 TIP Law to investigate and prosecute trafficking cases, with technical assistance from TAF. RAJP contributed to the design of curricula and only RAJP judges and prosecutors delivered the training modules in the programs. In November 2009, the Ministry of Justice conducted a workshop on TIP data collection for 90 judiciary officials, including the presiding judges, chief prosecutors, and chief clerks from each of the 21 provincial and municipal courts. The workshop was designed and delivered by an MOJ Undersecretary of State, focusing on elements of each article in the 2008 TIP Law, differentiating between TIP and TIP-related crimes,

and a process for collecting and submitting TIP prosecution and conviction data.

Training for social workers was also a priority for the RGC. Nearly 700 social workers received specialized training on working with child victims of trafficking and sexual exploitation. The training was delivered by MOSAVY, and created in consultation with LEASEC. RGC trainers, with assistance from TAF, also trained 60 social workers on participating in victim rescues, conducting victim identification, and providing emergency psycho-social assistance to victims. The RGC released a Policy and National Minimum Standards for the Protection of the Rights of Victims of Human Trafficking in September 2009, and MOSAVY officials created and held a workshop on orientation and use of the new standards for 300 RGC officials.

The U.S. Government provided specialized training in a few cases. The Department of State sent six Cambodian National Police officers to attend the International Law Enforcement Academy (ILEA) course on trafficking in persons. The Department of Homeland Security sent one Cambodian police officer to the Asia Transnational Crime Seminar, and another police officer to a course on child sex tourism, forced labor and human trafficking.

I.G. Cooperation with Other Governments

The RGC cooperates with other governments in the investigation and
PHNOM PENH 00000138 011 OF 019

prosecution of trafficking and child sex exploitation cases. The RGC cooperates with U.S. law enforcement officials to return American citizens to the United States to stand trial under the PROTECT Act, and has done the same with nationals of other countries that have laws to prosecute their nationals who travel abroad to exploit children sexually.

Cambodia is an active member of the Coordinated Mekong Ministerial Initiative on Trafficking (COMMIT) process. Through this process, the six nations of the Greater Mekong Sub-Region meet regularly to discuss a regional anti-trafficking agenda and share information. Cambodia has a COMMIT Task Force, chaired by senior officials from the Ministries of Justice and Women's Affairs.

Cambodia also has bilateral memorandums of understanding with Thailand and Vietnam on combating trafficking, including cooperation to investigate and uncover domestic and cross-border trafficking. The MOU with Thailand was signed in May 2003, and with Vietnam in October 2005.

The Cambodian Police and MOJ cooperate with the Malaysian police on international TIP cases, and the RGC is working with the Malaysian government on a proposed MOU to combat trafficking.

I.H. Extradition of TIP Offenders

The governments of Cambodia and Thailand have an extradition treaty which came into force in April 2001. Although the treaty is a foundation for cooperation to address trafficking cases, bilateral relations between Cambodia and Thailand remained very difficult throughout the reporting period, and no traffickers were extradited under the treaty to Thailand.

The RGC continues to cooperate with foreign governments to remove persons charged with pedophilia for acts committed in Cambodia for prosecution in their countries of citizenship.

Despite the lack of a bilateral extradition treaty, Cambodia has cooperated to return to U.S. custody numerous Americans accused of being child sex offenders. Since the 2003 passage of the U.S. PROTECT Act, the RGC has cooperated with the U.S. in 26 cases, nine of which have resulted in PROTECT Act convictions, and four of which have resulted in convictions on charges other than the PROTECT Act. During the reporting period, four Americans charged in PROTECT Act cases were returned to U.S. custody.

II. Evidence of RGC Involvement in or Tolerance of TIP

The RGC has a clear policy against human trafficking. Senior government officials have spoken on a number of occasions about a zero-tolerance policy toward human trafficking and officials involved in trafficking. Because corruption is pervasive in Cambodia, it is widely assumed that some individual Cambodian officials -- including police and judicial officials -- are involved in or tolerated some aspects of human trafficking, but no evidence of such activities appears to exist.

IJ. RGC Steps to Counter Official Involvement in TIP

Senior RGC officials have often stated that official corruption that aids or abets trafficking or other crimes will not be tolerated.

In June 2009, police arrested Ministry of Justice official Prum Piseth on charges of accepting bribes and forging documents. The forged documents were intended to secure the release of Alexander Trofimov, currently serving 17 years in the Preah Sihanouk Province jail for criminal sexual exploitation of children. Prum reportedly forged the signatures of Minister of Justice Ang Vong Vathana and Prime Minister Hun Sen on a counterfeit release and extradition order, in exchange for USD 250,000 that was used to facilitate the scheme. Prum is in pre-trial detention; the Phnom Penh Municipal Court charged him with bribery and forgery, and the case is with an investigating judge.

In September 2009, the Ministry of Interior demoted and reassigned Heng Huon, the director of the Preah Sihanouk Province prison, after Heng the previous May authorized the temporary release of the same convicted perpetrator, Alexander Trofimov, in order to check on several business investments in the province. Heng claimed he was not paid to allow the temporary release.

IK. Anti-TIP Training for International Peacekeepers

PHNOM PENH 00000138 012 OF 019

In 2009, 139 deminers from the Royal Cambodian Armed Forces deployed to foreign countries on UN peacekeeping missions. There are no reports that any of the demining mission members engaged in, or facilitated, severe forms of trafficking or exploited victims of such trafficking. Prior to their departure, deminers received anti-TIP training coordinated by the National Committee and delivered by trainers from the Anti-Human Trafficking and Juvenile Protection Department of Cambodian National Police.

IL. Child Sex Tourism in Cambodia

Cambodia is identified as a destination point for pedophiles. Between April 2009 and January 2010, MOI reported the arrests of 19 foreign nationals (four Americans, five French citizens, one British citizen, and nine other foreign nationals) for sexually abusing Cambodian children. In the same period, the Phnom Penh Municipal Court reported that they convicted a total of six foreign nationals (two Americans, two British citizens, one French citizen, and one Greek citizen). Prison sentences ranged from one to 10 years and civil compensation from USD 250 to USD 5,000.

The 2008 Law on Suppression of Human Trafficking and Sexual Exploitation has extraterritorial coverage, allowing for the prosecution of Cambodian citizens committing similar crimes in another country, and the prosecution of a foreigner committing a crime involving Cambodian victims in another country. There is no information that Cambodian nationals have traveled to other countries to engage in child sex tourism.

15. (SBU) PROTECTION AND ASSISTANCE TO VICTIMS

IA. RGC Protection for TIP Victims and Witnesses

The government has limited ability to provide protection for victims and no ability to protect witnesses at this time. RGC resources for victim assistance are augmented by assistance from international organizations and foreign and domestic NGOs. NGO shelters represent the safest place for witnesses during the trial phase of a case

against a trafficker. Police have no practical ability to protect NGOs, victims, or witnesses in high-profile cases. NGOs fill the void by providing shelter and support to victims through vocational training and start-up capital to start businesses. A number of shelters and foster home programs are available for child victims of trafficking.

The RGC is unable to fund victim assistance shelters, and has concentrated on improving policy for victim assistance. In September 2009, the RGC released a Policy and National Minimum Standards for the Protection of the Rights of Victims of Human Trafficking. In January 2010, Cambodia was recognized as the only one of six COMMIT countries with national minimum standards for victim protection. The new policy and minimum standards define 11 rights guaranteed to victims of human trafficking, including the right to safety and protection, the right to privacy and confidentiality, the right to dignity, the right to services, and the right to freedom of movement. The minimum standards also set out expectations of case management. A crucial component is the expectation that all persons who come in contact with potential victims of human trafficking take steps to determine if they are indeed victims. For example, the minimum standards require that service providers (including police) ensure a safe place for conducting interviews, ensure separation of victims from perpetrators, and conduct interviews using an approach that is mindful of the trauma victims may have experienced. Training on the understanding and adherence to the policy and minimum standards began during the reporting period, and will continue throughout 2010.

1B. Victim Care Facilities

The Royal Government of Cambodia strongly supports the concept of trafficking victim care and devotes a disproportionately greater share of government human resources to this problem. MOSAVY operated a temporary shelter for victims of trafficking, rape and domestic violence in Phnom Penh, in order to provide temporary shelter and basic assistance until victims can be placed with an NGO-operated shelter and reintegration program. MOSAVY works closely with AFESIP, IOM, UNICEF, World Vision and a variety of NGO-managed shelters throughout the provinces to assist initial reintegration of victims and follow-up investigations. Foreign

PHNOM PENH 00000138 013 OF 019

victims of trafficking have the same access to victim care facilities as domestic trafficking victims. Although growing in number, there are a limited number of shelters with the ability to provide proper care for foreign victims due to a lack of foreign language capabilities, and sometimes due to perceptions about language barriers and cultural differences.

When TIP victims were repatriated to Cambodia from Thailand, the Poipet Transit Center, staffed by MOSAVY social workers with assistance from UNICEF, conducted preliminary assessments and assisted in tracing family members and reintegrating victims into their home communities, or placing victims at appropriate NGO shelters to serve their needs. Since April 2009, MOSAVY identified 83 victims of trafficking among persons repatriated from Thailand, and placed them temporarily at the Transit Center.

For children who cannot re integrate into their communities, MOSAVY will work to place them in long-term care and reintegration programs such as vocational training, job placement, and income generation.

Most of the NGO shelters assist victims of all forms of violence, including rape, domestic violence and trafficking. For example, World Hope International manages a short-term assessment center for victims of trafficking, but also accepts rape victims when there is space available. During the reporting period, the shelter assisted 65 victims of trafficking. Victims were provided with medical, psychological and legal services.

Despite the number of victim assistance providers operating in Cambodia, there are not enough places in shelters to accommodate all victims, particularly minors. IJM reported that a raid operation planned for December 2009 in Svay Rieng Province had to be postponed

indefinitely, as all aftercare shelters reported they were at capacity and unable to receive additional victims.

In December 2007, the Council for Legal and Judicial Reform, published a 65-page Legal Aid Services directory, a province-by-province, nationwide directory of service providers including information on which have lawyers or staff who offer counseling and referral services, and specialties such as human rights and women and children's issues, including trafficking in persons. The Council distributed 5,000 directories in 2007 to government offices, NGOs, and villages in eight provinces. An additional 5,000 were distributed in 2008 following an update.

IC. Access to Legal, Medical, and Psychological Services

MOSAVY continues to budget for Seva Kahpia Komar (SKK) (Child Protection Services), which has primary responsibility for placement of TIP victims with NGOs for additional care and support. During the report period, SKK assisted 408 trafficking victims. On occasion, the RGC also provides in-kind contributions to partnerships with NGOs, such as land, office space and staff support.

Because of inadequate resources, the Cambodian government relies heavily on bilateral donors and multilateral institutions for approximately 50 percent of its total annual national budget, and has few resources to devote to trafficking victims. While devoting more resources to trafficking than most other social ills, the government relies on foreign and domestic NGOs to provide many services to victims of trafficking.

ID. RGC Assistance for Foreign Victims of Trafficking

The government's record in assisting victims of trafficking is generally good, in view of its limited resources and lack of institutional capacity. Foreign victim assistance is usually conducted by an NGO or international organization, or combination of the two, after referral by a governmental agency.

The 2008 TIP Law does not contain protection measures specific to foreign victims. There are no reports of foreign trafficking victims being charged or deported under immigration rules. Cambodia's commitment under the multilateral COMMIT process and its bilateral MOUs with Thailand and Vietnam sets out procedures for voluntary repatriation to home countries. On December 3, 2009 Cambodia and Vietnam signed a new MOU specific to victim identification and repatriation, including a Standard Operating Procedure for such actions. During the reporting period, eleven female Vietnamese victims were repatriated to Vietnam, bringing the total number of repatriations to Vietnam to 104 since the initiation

PHNOM PENH 00000138 014 OF 019

of this project in June 1999.

Foreign trafficking victims are provided temporary residence in shelters while awaiting repatriation. A number of NGO shelters offer legal, education, and counseling services.

IE. Access to Long-Term Shelter and Resources

As with victim assistance services such as legal, medical, psychological, and shorter-term shelter services, because of inadequate resources, the Cambodian government relies on foreign and domestic NGOs to provide services to victims of trafficking.

IF. RGC Referral Process for TIP Victims

In many cases of coordinated raid operations, provincial Department of Social Affairs (DOSAVY) workers accompany police on raids to take immediate custody of potential victims. If a DOSAVY worker is not part of the process when law enforcement encounters potential victims, police typically conduct a screening interview before referring potential victims to DOSAVY for identification and assistance. However, local police sometimes directly refer victims to NGOs without going through social services officials.

MOSAVY reported that local police referred 408 victims of sex trafficking to provincial DOSAVY offices during the reporting period. DOSAVY offices, in turn, generally referred the victims to short- or long-term NGO shelters for further care depending on their needs. In most cases, the overall referral process was quick, with victims receiving placements in NGO shelters within a few hours of being taken into protective custody.

I.G. Identification of TIP Victims

There are no centralized statistics available on the total number of trafficking victims identified and assisted during the reporting period. Both social services and law enforcement authorities can refer victims directly to NGOs. A small minority of victims may also approach NGOs directly, and thus be completely outside RGC monitoring.

During the reporting period in Phnom Penh, the MOSAVY-run and -funded SKK received 408 TIP victims and referred them to appropriate NGOs. MOSAVY continues to reinforce SKK's role as the primary clearinghouse for victims, instructing law enforcement officials to contact SKK officials for assistance in locating NGO placements.

In close cooperation with MOSAVY, World Hope International operated a short-term assessment center in Phnom Penh for referral of TIP victims to longer-term care facilities to augment the services provided by SKK. During the reporting period, the center assisted 65 trafficking victims.

The Healthcare Center for Children (HCC) reported that its shelter in Koh Kong provided services to 65 victims of labor trafficking and 16 victims of sex trafficking in 2009. Victims were referred to HCC by police and some other NGOs.

I.H. Proactive Identification System

Although there is now no formal, nationwide system to identify victims proactively among high-risk groups, the government is working on creating these methods. Building on technical assistance from IOM, MOSAVY officials in 2009 began to interview persons repatriated from Vietnam using a questionnaire designed to help identify TIP victims among the returnees. MOSAVY reported identifying 143 victims of labor trafficking based on this questionnaire. With RGC cooperation, UNIAP is piloting similar systems in a few provinces bordering Thailand.

In general, law enforcement authorities conduct an initial screening for victims of trafficking before referring them to the provincial and municipal Departments of Social Affairs, where they will again be interviewed for victim determination.

I.I. Respect for Victims' Rights

When trafficking victims are identified, their rights are respected in practice, and they are not treated as criminals. Victims of trafficking in persons crimes are not detained, jailed, fined, or deported.

PHNOM PENH 00000138 015 OF 019

In September 2009, the RGC released a Policy and National Minimum Standards on the Protection of the Rights of Victims of Human Trafficking. The new policy and minimum standards define 11 rights guaranteed to victims of human trafficking, including the right to safety and protection, the right to privacy and confidentiality, the right to dignity, the right to services, and the right to freedom of movement. The minimum standards also set out expectations of case management. The minimum standards require that service providers (including police) ensure a safe place for conducting interviews, ensure separation of victims from perpetrators, and conduct interviews using an approach that is mindful of the trauma victims may have experienced.

I.J. Victims' Participation in Legal Cases

Victims may file civil suits and seek legal action against traffickers, and a number of NGOs in the legal, human rights, and social services areas encourage victims to do so; the NGOs provide or refer victims to legal services.

Cambodia's weak and corrupt legal system and lengthy legal process sometimes impeded access to legal redress. NGOs reported that many victims would prefer an out-of-court settlement to a court proceeding as the fastest way to obtain monetary compensation. The Law on Suppression of Human Trafficking and Sexual Exploitation allows a victim to claim restitution for damage done by the trafficking perpetrator. If the court process is successful, however, the victim is expected to wait until a perpetrator finishes a jail sentence before obtaining compensation. Credible fears of retaliation from traffickers also pose impediments to witness testimony.

1K. Training for RGC Officials on Victim Identification

The RGC engaged in numerous training efforts during the reporting period, many of the sessions designed to assist authorities in identifying and providing assistance to TIP victims (see section 4F). Training for judges and social workers in specialized needs of trafficked children was a key component of that training effort. The National Committee launched a victim assistance training video and related program in June 2009. The RGC distributed copies of the training video and program to police and other government officials, and to NGOs providing victim assistance services. The training program is a direct government response to the need for screening for TIP victims among persons rescued during police operations, and to reports of human rights abuses associated with implementation of the 2008 TIP Law.

The Ministry of Women's Affairs maintains a few programs designed to prevent the trafficking of children to Vietnam for begging. The RGC now operates the program in Svay Rieng Province that provides vocational skills and community sewing opportunities as an alternative to labor migration.

MOSAVY's Anti-Trafficking and Reintegration Office (ATRO) continued to work closely with UNICEF to improve victim services. With technical assistance through the LEASEC program, MOSAVY directed and delivered training to nearly 700 social workers nationwide. Building on an inter-ministerial MOU on victim assistance, ATRO conducted joint monitoring of shelters during the reporting period, together with NGO partners. In cooperation with UNICEF Thailand, support has been provided to enhance MOSAVY's cooperation with Thai authorities on the repatriation of vulnerable migrants.

Embassies and consulates in foreign countries do not receive training specifically related to trafficking and victim assistance. However, Cambodian officials overseas facilitate assistance with NGOs to help Cambodian victims outside the country. For example, officials from the Cambodian Embassy in Jakarta are working with the Ministry of Foreign Affairs in East Timor, and IOM in Dili and Phnom Penh, to facilitate the repatriation of five Cambodian TIP victims who fled the Thai-owned fishing boat where they were forced to work and were rescued by Timorese fishermen.

1L. Assistance for Repatriated Cambodian TIP Victims

MOSAVY is mandated to provide care and protection to the most vulnerable population in the country, especially women and children. As detailed in Section 4B, the RGC operates both the Poipet Transit Center and a child protection services agency in Phnom Penh that

PHNOM PENH 00000138 016 OF 019

provide shelter and assistance to trafficking victims, including referrals to NGO partners for more extensive care. The government also relies heavily on international organizations, foreign and domestic NGOs, and other countries to provide medical aid and shelter to its repatriated nationals who are the victims of trafficking.

1M. International Organizations and NGOs

With the strong cooperation of the Royal Government of Cambodia, an estimated 90 NGOs work predominantly on trafficking issues, and of those, roughly 40 NGOs provide some form of service to trafficking victims. The services include shelter (which usually includes food, sleeping accommodations, basic health care, counseling, literacy, and sometimes vocational training), legal assistance, drop-in centers, and re-integration assistance. The RGC cooperated extensively with these NGOs on prosecution, protection, and prevention; under the National Committee structure, the RGC began soliciting voluntary donor coordination of activities, in order to direct resources to priority areas identified by the RGC.

16. (SBU) PREVENTION

1A. RGC Public Awareness and Education Efforts

Public awareness and education campaigns typically target potential victims or the general public. In the largest event of the reporting period, the Ministry of Women's Affairs coordinated and executed "Anti-Human Trafficking Day" on December 12, 2009 in Phnom Penh. More than 1,500 participants attended a program presided over by Deputy Prime Minister Men Sam An and attended by Minister of Women's Affairs Ing Kantha Phavi; members of parliament; representatives of government ministries, foreign embassies, the UN, NGOs, the Phnom Penh municipality; and teachers and students. The emotional event included testimonials from TIP victims, some of them children, and featured calls by senior officials to increase the fight against human trafficking.

Cambodia's nine domestic television stations carried coverage of the event over the following days, reaching an estimated 3-4 million TV viewers with the anti-trafficking message.

Also on December 12, the government conducted anti-human trafficking campaigns in Poipet and Siem Reap. In Poipet, the RGC collaborated with NGOs and the Department of Social Development and Human Security of Thailand to host an event strengthening the network for combating human trafficking and commercial sexual exploitation along Cambodian-Thai border. In Siem Reap, the RGC celebrated "Anti-Human Trafficking Day" with the support from CWCC, in an event focusing on prevention of child trafficking.

The RGC cooperated with UNIAP in producing fifteen one-hour radio talk shows on human trafficking. A wide range of topics were discussed during the shows including the new TIP law, trafficking onto fishing boats, trafficking through marriage, trafficking for sexual and labor exploitation, child safe tourism, safe migration and victim assistance.

The Ministry of Women's Affairs Department of Information, with the support from IOM, conducted a national radio campaign to share information about the 2008 TIP Law and the prevention of human trafficking. The National Committee disseminated an anti-trafficking film, with technical assistance from TAF, to 450 university students in Siem Reap, Phnom Penh, and Svay Rieng. The Ministry of Tourism conducted a number of workshops on child safe tourism in Phnom Penh, Preah Sihanouk, Siem Reap, Preah Vihear, Battambang and Prey Veng provinces, reaching 550 participants from the tourism sector, and government agencies. The Ministry of Tourism also trained fifty peer educators in Phnom Penh on Child Safe Tourism.

1B. RGC Monitoring of Migration Patterns

The Cambodian government's capacity to monitor land borders with Vietnam, Laos and Thailand, as well as its coastline, is marginal. Because of its limited resources, the government does not have the ability to screen for potential trafficking along the borders.

In February 2008, the Ministry of Labor and Vocational Training (MOLVT) launched the Labor Migration Information System (LMIS) to record the numbers of migrant workers departing Cambodia. However,

the system has limited efficacy, as the system only tracks legal migration and only 10 licensed labor recruiting companies provided migration statistics for the system.

The U.S. and Australian governments have helped Cambodia set up computerized immigration systems in its national airports in Phnom Penh and Siem Reap as well as the overland border crossings of Poipet and Koh Kong. The British government funded a border security project which provided training to Cambodian immigration authorities.

5C. RGC Interagency Coordination and Communication

On September 25, 2009, the Prime Minister signed the sub-decree establishing the new National Committee on the Suppression of Human Trafficking, Smuggling, and Labor and Sexual Exploitation (see section 3A).

As part of the UN's Interagency Project on Human Trafficking in the Greater Mekong Sub-Region (Cambodia, China, Laos, Burma, Thailand, and Vietnam), the Ministry of Women's Affairs chairs the project's Coordination Committee in Cambodia.

5D. RGC National Plan of Action

The National Committee is revising and updating a new National Plan of Action to cover the period for 2010-2013, expected to be completed in June 2010.

The six working groups under the National Committee Secretariat are tasked with developing annual action plans for their area of responsibility. Since the sub-decree launching the National Committee was signed in September 2009, each of the working groups developed its 2010 action plan based on the draft National Plan of Action for 2010-2013.

5E. RGC Efforts to Reduce Demand for Commercial Sex

The Ministry of Tourism (MOT) approved and coordinated in the production of a number of billboards, magazine advertisements, signs on public transportation, and hand-outs targeted toward potential consumers of commercial sex acts. The MOT seal was prominently displayed on many of these public notices. The MOT also held workshops on child-safe tourism in Phnom Penh, Preah Sihanouk, Siem Reap, Preah Vihear, Battambang and Prey Veng provinces, reaching 550 participants from the tourism sector, and government agencies. The Ministry of Tourism also trained fifty peer educators in Phnom Penh on Child-Safe Tourism.

The Women's Media Center (WMC) has produced television spots and drama focusing on Trafficking in Persons, violence against women and children and the court system in Cambodia. Six 30-minute episodes of TV spots were broadcast on three prominent TV stations in Cambodia. The government has been supportive of these programs, especially the Ministry of Women's Affairs which provided full cooperation to WMC and other NGOs working on trafficking in persons.

5F. Reducing Cambodian Participation in Sex Tourism

There are no reports of Cambodian nationals participating in child sex tourism in other countries.

5G. Reducing Peacekeeping Troops' Participation in TIP

During the reporting period, 139 deminers from the Royal Cambodian Armed Forces deployed to UN peacekeeping missions in foreign countries. De-mining troops were the only troops that Cambodia sent on peacekeeping or similar missions abroad during the reporting period. The National Committee designated trainers from the Anti-Human Trafficking and Juvenile Protection Department of Cambodian National Police to conduct the anti-TIP training for deminers, which covered topics such as definitions of various types of TIP, an overview of Cambodia's anti-TIP and sexual exploitation law, and information about the RGC's commitment to combating TIP. During the reporting period, the National Committee reported that 592 deminers received training.

¶7. (SBU) PARTNERSHIPS

¶A. RGC Engagement with Other Governments and Civil Society

PHNOM PENH 00000138 018 OF 019

The RGC engaged extensively with other governments to focus attention on combating human trafficking, particularly with its neighboring countries through the COMMIT process and through bilateral engagement. In addition to instances cited in prior sections, the RGC hosted an Inter-Country Consultative Dialogue on TIP in Phnom Penh in July 2009. Representatives from the RGC, Thailand, Vietnam, Malaysia, and South Korea participated in two days of workshops focusing on results of programs in each country and improving cooperation on difficult cross-border cases.

RGC engagement with civil society on TIP is also extremely high and is devoted to the active marshalling of resources to reduce causative "push" factors, mitigate "pull" factors, and combat traffickers while protecting victims. There are over 2,000 NGOs operating in Cambodia, and in some sectors these relationships are characterized by mistrust. However, in the anti-trafficking sector, RGC officials remain willing to engage with civil society. In addition to numerous examples cited in prior sections, Cambodia's National Committee Secretariat created an Advisory Group of international organizations and donors who are highly active in helping the RGC meet its anti-trafficking goals. The Advisory Group meets quarterly to provide input on the National Committee Secretariat work plan, and feedback on actions recommended by the National Committee or its working groups. In each working group, a permanent vice-chair seat is assigned to an NGO representative active in that group's area of responsibility, to ensure inclusion and dialogue between the RGC and the TIP NGO community.

¶B. RGC Provision of International Assistance

Due to lack of funding, the RGC is not able to provide financial assistance to other countries to address TIP. The RGC does share willingly its ideas and practices in combating TIP. The Inter-Country Consultative Dialogue mentioned in Section 6A is one such example. Another example has been MOSAVY's willingness to share its Policy and National Minimum Standards for the Protection of the Rights of Victims of Human Trafficking with other interested governments. At the COMMIT annual meeting in December 2009, Cambodia was acknowledged as the first country in the region to develop such policies and practices. The governments of Vietnam and the Philippines have reportedly inquired about the development of these standards, and the RGC has shared information with both governments.

¶8. (SBU) RESULTS-ORIENTED PRACTICES

¶A. In September 2009, the RGC released a Policy and National Minimum Standards for the Protection of the Rights of Victims of Human Trafficking (see section 5I).

MOSAVY took a leading role in developing and disseminating these National Minimum Standards, with technical assistance from The Asia Foundation. The standards have attracted interest from multiple other governments in the region, and showcased Cambodia's ability to pioneer new ideas. The standards establish a true victim-centered approach for Cambodian officials to follow in combating TIP, whether those officials focus on prosecution, protection, or prevention. They also provide the foundation for the development of further tools, such as nationwide victim identification procedures, which the National Committee has identified as its next priority in the Protection category.

¶9. (SBU) STAFF TIME

¶A. Political Officers Jenae Johnson and Greg Lawless drafted and edited this submission and estimated that the drafting of this

report required 80 hours by one FSN-9 political assistant, 44 hours by one FS-04 officer, 8 hours by one FS-01 officer, and 4 hours by one FE-OC officer. Embassy POC for this cable is Political/Economic Chief Gregory Lawless (T. 855-023-728-125).

110. (U) ABBREVIATIONS

IA. Following are abbreviations used in this report:

ADHOC: Association de Defense des Droit de l'Homme (Human Rights Defense Association)

PHNOM PENH 00000138 019 OF 019

AFESIP: Agir pour les Femmes en Situation Precaire

APLE: Action Pour Les Enfants

CDP: Cambodian Defender's Project

CNCC: Cambodian National Council for Children

CNCW: Cambodian National Council for Women

COMMIT: Coordinated Mekong Ministerial Initiative against Trafficking

CWCC: Cambodian Women's Crisis Center

CWDA: Cambodian Women Development Agency

DOSAVY: Department of Social Affairs, Veterans, and Youth Rehabilitation (local jurisdiction of MOSAVY)

IJM: International Justice Mission

ILEA: International Law Enforcement Academy

ILO-IPEC: International Labor Organization-International Program on the Elimination of Child Labor

IOM: International Organization for Migration

LEASEC: Ministry of Interior Law Enforcement Against Sexual Exploitation of Children Project

LSCW: Legal Support for Children and Women

MOI: Ministry of Interior

MOJ: Ministry of Justice

MOSAVY: Ministry of Social Affairs, Veterans, and Youth Rehabilitation

MOLVT: Ministry of Labor and Vocational Training

MOT: Ministry of Tourism

MOWA: Ministry of Women's Affairs

RAJP: Royal Academy of Judges and Prosecutors

RGC: Royal Government of Cambodia

SKK: Seva Kahpia Komar (Service for Protection of Children)

UNOHCHR: United Nations Office of the High Commissioner for Human Rights

UNDP: United Nations Development Program

UNIAP: United Nations Inter-Agency Project Against Trafficking of Women and Children in the Mekong Sub-Region

UNICEF: United Nations Children's Fund

UNTAC: United Nations Transitional Authority in Cambodia

USAID: United States Agency for International Development

WMC: Women's Media Center

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